

105TH CONGRESS  
1ST SESSION

# H. R. 2087

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require that polluters are responsible for the cleanup of hazardous substances, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1997

Mr. GILLMOR introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require that polluters are responsible for the cleanup of hazardous substances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Polluter Pays Act of  
5 1997.”

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1 **SEC. 2. AMENDMENT OF CERCLA.**

2 (a) LIABILITY OF POLLUTERS.—Section 107(a) of  
3 the Comprehensive Environmental Response, Compensa-  
4 tion, and Liability Act of 1980 is amended by striking out  
5 so much of such subsection as precedes subparagraph (A)  
6 and inserting:

7 “(a) LIABILITY OF POLLUTERS.—Notwithstanding  
8 any other provision or rule of law, and subject only to the  
9 defenses set forth in subsection (b), any person who causes  
10 the release, or threatened release, of a hazardous sub-  
11 stance at any facility shall be liable for—”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) SECTION 101.—Section 101 of such Act is  
14 amended by striking “107(a)(1)” in subparagraph  
15 (C) of paragraph (35) and inserting “107(a)”.

16 (2) SECTION 108.—Section 108(a)(1) of such  
17 Act is amended by striking “paragraph (1) of”.

18 (3) SECTION 122.—Section 122(j)(2) is amend-  
19 ed by striking “107(a)(4)(C)” and inserting  
20 “107(a)(3)”.

21 (4) SECTION 124.—Section 124(b) of such Act  
22 is amended by striking “paragraph (1), (2), (3), or  
23 (4) of”.

24 (5) SECTION 107.—Section 107 of such Act is  
25 amended by redesignating subparagraphs (A)

1 through (D) of subsection (A) as paragraphs (1)  
2 through (4) respectively.

3 (6) SECTION 106.—Section 106(a) of such Act  
4 is amended by inserting “against any person or per-  
5 sons who cause the release, or threatened release, of  
6 a hazardous substance at any facility” after the  
7 words “grant such relief” and after the words “issu-  
8 ing such orders”.

9 (c) EFFECTIVE DATE.—This Act shall take effect on  
10 the date of enactment and shall apply to any case in which  
11 there has been no final decree or final settlement that is  
12 not subject to appeal. For purposes of this subsection, the  
13 term “final decree” means a decree from which no appeal  
14 may be taken or from which no appeal has been taken  
15 within the time allowed for the taking of such appeals  
16 under the laws applicable to such appeals, or a decree from  
17 which timely appeal has been taken and such appeal has  
18 been finally decided under the laws applicable to such ap-  
19 peals.

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